

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 12

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte RICHARD GREEN, GLENN F. STOCKUM  
and MAO-CHING CHEN

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Appeal No. 1998-1823  
Application No. 08/414,259

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ON BRIEF

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Before, JOHN D. SMITH, LIEBERMAN, and KRATZ, Administrative  
Patent Judges.

KRATZ, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 10-20, which are all of the claims pending in this application.

BACKGROUND

Appellants' invention relates to a method of making a lubricious glove that includes the step of dipping a form having a latex coating thereon (casing) into a solution including polyvinyl alcohol and a thickener to form a coating

(layer of polyvinyl alcohol and thickener) on the casing.  
According to appellants, the lubricious gloves are useful in  
applying orthopaedic bandages having uncured resin coatings  
thereon. See, e.g., pages 1, 4 and 5 of the specification.  
Exemplary claim 10 is reproduced below.

A method of making a lubricous glove  
comprising the steps of:  
a) providing a form having a shape to  
simulate a hand;  
b) coating said form with a layer of  
elastomeric material to form a hand shaped  
casing;  
c) dipping said casing in a solution  
including polyvinyl alcohol and a thickening  
agent at ambient temperatures to form a coated  
casing; and  
d) removing said coated casing from said  
solution and drying.

The prior art references of record relied upon by the  
examiner in rejecting the appealed claims are:

|                          |           |          |
|--------------------------|-----------|----------|
| Kavalir et al. (Kavalir) | 3,411,982 | Nov.     |
| 19, 1968                 |           |          |
| Talalay                  | 3,689,613 | Sep. 05, |
| 1972                     |           |          |

Claims 10-20 stand rejected under 35 U.S.C. § 103 as  
being unpatentable over Talalay in view of Kavalir.

OPINION

We have carefully reviewed the respective positions presented by appellants and the examiner. In so doing, we find ourselves in agreement with appellants that the applied prior art fails to establish a *prima facie* case of obviousness of the claimed subject matter. Accordingly, we will not sustain the examiner's rejection for essentially those reasons advanced by appellants, and we add the following primarily for emphasis.

All of the appealed claims require the step of dipping a form covered with a layer of elastomeric material (casing) in a solution including polyvinyl alcohol and a thickener in the formation of a lubricious glove. According to the examiner, "[i]t would have been obvious when performing the process set forth in the primary reference, to so include an alcohol/powder dip in view of the secondary reference for providing a release coating as desired" (answer, page 4). The examiner specifically refers to Kavalir (the examiner's secondary reference) at column 4, line 43 to column 5, line 52 in support of the proposed modification of the process of Talalay (the examiner's primary reference). See the answer, page 4.

Unlike the examiner, however, our review of the applied references including the referred to portions of Kavalir does not reveal any teaching or suggestion of dipping a form already covered with a layer of elastomeric material (casing) in a solution including polyvinyl alcohol and a thickener as required by the appealed claims. While Kavalir does disclose dipping a form covered with a latex material in a slip finish of pre-cured resin-rubber latex (column 3, line 30 through column 5, line 8), we find no teaching of using polyvinyl alcohol and a thickener containing solution for coating a casing in Kavalir.

We are mindful that Kavalir discloses dipping the form in a coagulant solution containing alcohol and a mold release powder (column 4, lines 46-49), but that step occurs prior to coating the form with an elastomeric material to form a casing. Hence, even if the applied reference teachings are combined, the herein claimed process would not be the result. Consequently, for the reasons outlined above and as developed in appellants' brief (pages 4-7), we will not sustain the stated rejection.

CONCLUSION

The decision of the examiner to reject claims 10-20 under 35 U.S.C. § 103 as being unpatentable over Talalay in view of Kavalir is reversed.

REVERSED

|                             |   |                 |
|-----------------------------|---|-----------------|
| JOHN D. SMITH               | ) |                 |
| Administrative Patent Judge | ) |                 |
|                             | ) |                 |
|                             | ) |                 |
|                             | ) |                 |
|                             | ) | BOARD OF PATENT |
| PAUL LIEBERMAN              | ) | APPEALS         |
| Administrative Patent Judge | ) | AND             |
|                             | ) | INTERFERENCES   |
|                             | ) |                 |
|                             | ) |                 |
|                             | ) |                 |
| PETER F. KRATZ              | ) |                 |
| Administrative Patent Judge | ) |                 |

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APPEAL NO. - JUDGE KRATZ  
APPLICATION NO.

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APJ

DECISION: **ED**

Prepared By:

**DRAFT TYPED:** 28 Sep 01

**FINAL TYPED:**